

**R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

**RE: TELEPHONE INTERVIEW**

The Examiner's cooperation in reviewing the claim amendments and arguments for patentability in this Amendment and for conducting a telephone interview with the undersigned on October 9, 2007, is respectfully acknowledged. It was agreed in the telephone interview that the amendments to the claims set forth hereinabove would overcome the prior art rejection set forth in the Final Office Action.

**THE CLAIMS**

\_\_\_\_\_Independent claims 1 and 10 have been amended as discussed with the Examiner to clarify the features of the present invention whereby a memory is provided to store image data of the observation image imaged by the electronic camera, and whereby the display displays the observation image whose image data has been stored in the memory, as supported by the disclosure in the specification at, for example, page 9, lines 1-24.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

THE PRIOR ART REJECTION

Claims 1-18 were again rejected under 35 USC 103 as being obvious over Sannoh et al (US 2002/0149689). This rejection, however, is respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in clarified amended independent claim 1, an imaging device for a microscope is provided which includes an electronic camera which images an observation image captured by the microscope, a memory which stores image data of the observation image imaged by the electronic camera, a display which displays the observation image whose image data has been stored in the memory, and a display setting portion which sets display items of photograph information relating to the observation image, and which displays the photograph information superimposed on the observation image.

Similarly, according to the present invention as recited in amended independent claim 10, an imaging device for a microscope is provided which includes an electronic camera which images an observation image captured by the microscope, a memory which stores image data of the observation image imaged by the electronic camera, and a display which displays the observation image whose image data has been stored in the memory and a plurality of sets of photograph information relating to the observation image superimposed on the observation image.

That is, according to the present invention as recited in amended independent claims 1 and 10, photograph information about an observation image captured by a microscope and stored in a memory, such as photometry, focus, color balance and scale of that image, is superimposed on the observation image as it is being displayed on a display as described in the specification at, for example, page 15, line 17 to page 16, line 5 with reference to Fig. 3.

As pointed out in the Amendment filed July 5, 2007, it is respectfully submitted that Sannoh et al merely discloses an image pick up device including an image preprocessor which displays a target mark TM used as the photography criterion on a display 7 with respect to an image being viewed that has not yet been captured. (See Figs. 2A and 2B of Sannoh et al.) The image preprocessor determines a color of the target mark TM (red or green) based on the content of the photography advisability information. (See paragraph [0044] of Sannoh et al.) The photography advisability information relates only to status of the auto-focus operation, i.e., whether the image being viewed is in focus as a result of the auto-focusing operation or not.

On page 2 of the Final Office Action, the Examiner asserts that inherently for an image to be displayed it has to be captured prior to the display of the image.

It is respectfully pointed out, however, that independent claims 1 and 10 have been amended to clarify that the display of the present invention displays an observation image whose image data has been stored in the memory along with photograph information superimposed on the observation image.

By contrast, in Sannoh et al, the photography advisability information is determined by the image preprocessor, which acts upon the image being viewed - prior to its being captured. And in Sannoh et al, image information is stored in a memory only after auto focusing is achieved (i.e., after the photography advisability information is displayed).

Accordingly, it is respectfully submitted that Sannoh et al clearly does not disclose, teach or suggest superimposing photograph information about a (current) observation image whose image data has already been stored in a memory, as according to the present invention as recited in clarified amended independent claims 1 and 10. Instead, Sannoh et al merely discloses placing a target mark indicative of the focus status of a viewed, uncaptured (unstored) image for the purpose of facilitating subsequent capture (storage) of the image when it is in focus. And it is respectfully submitted that the photograph advisability information as embodied by the target mark in Sannoh et al is fundamentally different from the photograph information of the claimed present invention.

Accordingly, it is respectfully submitted that amended independent claims 1 and 10, and claims 2-9 and 11-18 respectively depending therefrom, clearly patentably distinguish over Sannoh et al under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

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